

**A REGULAR MEETING  
OF  
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chair Winslow in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, May 13, 2014 at 1:00 p.m. with the following Commissioners in attendance: Jeffrey Clark, Joann Conaway and Jaymes Lester.

The following Staff members were in attendance: Alisa Bentley, Virginia Jackson, Julie Donoghue, Deputy Attorney General, Janis Dillard, Robert Howatt, and Kathleen Makowski, Deputy Attorney General.

2. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Clark to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. §203D (FILED FEBRUARY 19, 2014; AMENDED MAY 8, 2014, (“FERNMOOR AT WELSH RUN”) - PSC DOCKET NO. 14-WW-001

Commission to consider Staff Memorandum and Proposed Order No. 8560.

COMPLIANCE FILING IN THE MATTER OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER TARIFF (FILED APRIL 28, 2014) – PSC DOCKET NO. 14-49-4

Commission to consider Staff Memorandum and Proposed Order No. 8563.

IN THE MATTER OF THE JOINT APPLICATION OF CBeyond COMMUNICATIONS, LLC AND BIRCH COMMUNICATIONS OF THE NORTHEAST, INC., D/B/A BIRCH COMMUNICATIONS FOR APPROVAL TO UNDERTAKE FINANCING TRANSACTION AND TO TRANSFER CONTROL OF CBeyond COMMUNICATIONS, LLC TO BIRCH COMMUNICATIONS OF THE NORTHEAST, INC. D/B/A BIRCH COMMUNICATIONS (FILED APRIL 21, 2014) – PSC DOCKET NO. 14-143

Commission to consider Staff Memorandum.

3. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE SALE, RESALE, AND OTHER PROVISION OF INTRASTATE TELECOMMUNICATIONS SERVICES (OPENED MAY 1, 1984; REOPENED NOVEMBER 17, 1998; REOPENED JULY 24, 2001; REOPENED AUGUST 9, 2005; REOPENED MAY 13, 2014) - PSC REGULATION DOCKET NO. 10

IN THE MATTER OF THE DEVELOPMENT OF REGULATIONS FOR THE FACILITATION OF COMPETITIVE ENTRY INTO THE TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE MARKET (OPENED NOVEMBER 21, 1995; REOPENED NOVEMBER 17, 1008; REOPENED JULY 24, 2001; REOPENED AUGUST 9, 2005; REOPENED MAY 13, 2014) - PSC REGULATION DOCKET NO. 45

Kathleen Makowski, Deputy Attorney General, appeared on behalf of Staff.

Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Lester to adopt Order No. 8517; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROPOSED ADOPTION OF REGULATIONS GOVERNING THE MINIMUM SERVICE REQUIREMENTS FOR THE PROVISION OF TELEPHONE SERVICE FOR PUBLIC USE WITHIN THE STATE OF DELAWARE (OPENED DECEMBER 13, 1988; REOPENED MAY 13, 2013) – PSC REGULATION DOCKET NO. 20

Kathleen Makowski, Deputy Attorney General, appeared on behalf of Staff.

Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Lester and seconded by Commissioner Conaway to adopt Order No. 8518; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY AFTER MAY 1, 2006 (OPENED OCTOBER 19, 2004) – PSC DOCKET NO. 04-391

Pamela Scott, Esquire, appeared on behalf of Delmarva Power & Light Company.

Julie Donoghue, Esquire, Deputy Attorney General, appeared on behalf of Staff.

Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Lester to adopt Order No. 8562; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR AUTHORITY TO INCREASE RATES AND CHARGES FOR WATER SERVICE (FILED APRIL 11, 2014) – PSC DOCKET NO. 14-132

Carl Randall and Joe Dinunzio appeared on behalf of Artesian Water Company.

James Geddes, Esquire, appeared on behalf of the Public Service Commission.

Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Lester to adopt Order No. 8558; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN ELECTRIC BASE RATES AND MISCELLANEOUS TARIFF CHANGES (FILED DECEMBER 2, 2011) – PSC DOCKET NO. 11-528

Pamela Scott, Esquire, and Pamela Long appeared on behalf of Delmarva Power and Light Company.

James Geddes, Esquire, appeared on behalf of the Public Service Commission.

Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Clark and seconded by Commissioner Conaway to adopt Order No. 8561; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

4. DIRECTOR'S COMMENTS:

Robert Howatt discussed the Third Party Electric Supplier approval process. It is currently in draft and will be further finalized at the next Commission meeting being held on May 29, 2014. He briefly explained the four step process which included: preliminary review of the initial filing, in-depth analysis of application and amendments, staff determination of criteria being met set forth by rules and regulations of the Commission, and legal review by staff attorneys. Commissioner Clark concurred with Mr. Howatt's discussion and agreed the new processes will benefit both Staff and the public.

Mr. Howatt also stated that an Evidentiary Hearing will be held in the PSC Hearing Room on May 27, 2014 in regards to Frazier vs. Delmarva Power and Light Company.

The next Commission meeting will be held on Thursday, May 29, 2014 instead of Tuesday due to the scheduling of the Evidentiary Hearing.

There was no further business and the meeting adjourned at approximately 1:26 p.m.

Respectfully submitted,

/s/ Alisa Carrow Bentley  
Secretary